

## REMARKS

Claims 1 – 16 are pending in the present application. Applicants amend claims 1 and 9.

No new matter is added.

### REJECTION UNDER 35 U.S.C. § 103

Claims 1 – 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,542,581 to Suonsivu et al. in view of U.S. Patent No. 6,292,515 to Kao et al. Applicants amend claims 1 and 9 to clarify the nature of their invention, and respectfully traverse the rejection.

Applicants disclose a method and an apparatus for interconnecting a user and a communications center by DSL communications over a 2-wire telephone line. In accordance with Applicants' claimed method, a signal-to-noise ratio (SNR) of a DSL communications is monitored, and when the SNR is determined to be outside a predetermined range for a duration longer than a reference time, the communication is interrupted and reconnected in order for a new communication mode and communication speed to be negotiated to achieve a desired SNR. Applicants' claimed approach simplifies prior art approaches in which dynamic rate adaptation countermeasures are used (see, e.g., pages 1, 2 of Applicants' specification).

Suonsivu discloses a method for controlling transmission power in a DSL line (see, e.g., abstract of Suonsivu). According to the method of Suonsivu, SNR is monitored and power is adjusted when SNR exceeds a threshold value and bit error rates (BERs) continue to be in an acceptable range (see, e.g., FIG. 3 of Suonsivu). Unlike Applicants' claimed invention, the method of Suonsivu does not suggest or disclose determining whether SNR exceeds a threshold

value for a duration longer than a reference time. In addition, as noted by the Examiner and unlike Applicant's claimed invention, the method of Suonsivu does cause communication to be interrupted and reconnected in order for a new communication mode and communication speed to be negotiated to achieve a desired SNR.

Kao discloses a multi-channel data transmission apparatus that dynamically adapts the bit and energy configurations of multiple sub-channels in order to achieve a desired communications performance level (see, e.g., abstract of Kao). This approach is similar to the complex adaptive negotiation methods discussed by Applicants as part of the prior art. In sharp contrast, Applicants' claimed approach improves over such complex prior art methods by simply causing communication to be interrupted and reconnected on a given channel in order for the communication to be automatically adjusted to achieve desired performance levels. Kao does not disclose or suggest Applicants' claimed communications interruption as a means to adjust communications performance. In addition, Kao also fails to disclose or suggest Applicants' claimed step of determining whether SNR exceeds a threshold value for a duration longer than a reference time.

Accordingly, Applicants respectfully submits that independent claims 1 and 9 are not made obvious by the combination of Suonsivu and Kao, and are therefore allowable. As claims 2 – 8 and 10 – 16 each depend from one of allowable claims 1 and 9, Applicants further submit that claims 2 – 8 and 10 – 16 are allowable for at least this reason.

## CONCLUSION

In view of the amendments and set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully

requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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